

Minutes of the Planning Commission meeting held on Thursday, October 16, 2008, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Ray Black
Tim Tingey, Community & Economic Development Director
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Kurtis Aoki
Jeff Evans

The Staff Review meeting was held from 6:00 to 6:30 p.m. The planning commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

APPROVAL OF MINUTES

Tim Taylor asked for additions or corrections to the minutes of September 18, 2008 and October 2, 2008. Sheri Van Bibber made a motion to approve the minutes as submitted. Seconded by Karen Daniels.

A voice vote was made. The minutes were approved unanimously (5-0).

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

UTAH TRANSIT AUTHORITY – 131 West Vine Street

John Cluff of UTA, 669 West 200 South, Salt Lake City, was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a railroad terminal (passenger) and associated park-and-ride lot and Preliminary Plan approval in the M-G-C/SSOD zone at the property addressed 131 West Vine Street located on 5.02 acres. Municipal Code Ordinance 17.152.030 allows for railroad passenger terminals within the M-G-C zoning district subject to Conditional Use Permit approval. Section 17.25.060 A.2.b.(2) requires that development within the SSOD receive preliminary and final approval through the Planning Commission. The property is located on the south side of Vine Street between the light rail tracks and the future Frontrunner commuter rail tracks. The site is currently occupied by a concrete plant operation. The site is relatively level and slopes generally from west to east and from north to south. The property is currently zoned M-G-C and is within the Smelter Site Overlay District. The property consists of three separate parcels identified as parcel numbers 21-12-279-007, 21-12-279-008 and 21-12-279-009. The actual terminal is located within existing right-of-way owned by UTA and is subject to the interlocal agreement which exempts UTA from permits within their right-of-way. The proposed park-and-ride lot will include the construction of 445 parking spaces which includes 8 disabled person parking spaces. The code does not contain specific parking rates for park-and-ride lots or passenger rail terminals and parking rates have been based on the expected demand and the available area on the property. However, the

code does require one additional disabled parking space based on the total number of parking spaces shown, for a total of 9 stalls. The passenger platform is proposed to be constructed inside the railroad right-of-way and is not subject to the setback requirements of the code. The only other structure shown is a proposed electrical cabinet located on the interior area of the property. The landscape plan shows an area of landscaping approximately 24 feet in depth along Vine Street. The landscaping exceeds the 10 foot depth required by code. The landscape plan will need to be reviewed in conjunction with the grading permit and drainage plan application materials submitted in support of the development permit for the SSOD in order to coordinate any changes to the landscape plan required through the review of grading and drainage on site. The property has one access point on Vine Street. The proposed approach is approximately 40 feet in width which includes a right-in, left-out, and right-out approach. The proposed width meets the standards of the code. The property is very deep with only one point of access. In order to allow for adequate fire access, final plans will need to demonstrate that proper fire truck turn radius standards can be maintained within the southern portion of the parking lot. Staff recommended preliminary approval for a conditional use permit subject to conditions.

Tim Taylor questioned if there would be a difference between the parking lots for the light rail and the commuter rail. John Cluff clarified that there would be no difference and that patrons could park in either lot. The site plan shows how to walk from the platforms to either rail and there is a cross platform. Construction is part of UTA's 2015 plan, but the completion date is in 2012. As far as the construction is concerned, a lot of the structures are on the construction critical path, such as the bridge to the north and Cottonwood Creek to the south. The ultimate build out of the park and ride, including the platform and surface parking, would be approximately at the end of 2010. The UTA website has information about this section of the Frontrunner and phone calls would be welcome as well if the public wants more information.

Robert Berger, 171 Berger Lane, wondered if there is going to be a silent crossing, or if Frontrunner will blow its whistle. John Cluff explained that part of the improvement of the road is to upgrade with medians and signals. That will enable the City to apply for a quiet zone permit, which allows freight operations to move through the area without having to blow their whistles at the crossing. It is mentioned that Frontrunner generally runs from 5:00 or 6:00 a.m. to 11:00 or 12:00 p.m. with occasional longer operating times on weekends or during special occurrences downtown. Tim Taylor clarified that the quiet zone application would apply to both UTA and UP tracks. An application for a quiet zone would apply to numerous crossings within the City. UTA will work with the City to move through the application process. The crossings will have lighted signals, crossing arms, and the median extended.

Jim Harland made a motion that the Planning Commission approve a conditional use permit for UTA for a railroad passenger terminal and associated park and ride lot, and also a preliminary plan approval in the M-G-C/SSOD zone at the property addressed 131 West Vine Street. This is based on information contained in the staff report, and subject to conditions 1 through 10.

1. Prior to final approval by the Murray Planning Commission and prior to application for grading permits, apply for and complete all requirements of the Smelter Site Overlay District Development Permit application.
2. A drainage plan and Storm Water Pollution Prevention (SWPP) plan will be required and shall be approved by the Murray City Engineering Division.

3. Combine the existing parcels and provide a copy of the new recorded legal description to the Murray Community and Economic Development Department.
4. The project shall meet all Murray City Water and Sewer Department regulations.
5. Meet all Murray Fire Department requirements.
6. Meet all Murray Police Department requirements including coordination related to the alignment of the proposed access with the police training center to the north.
7. Revise the parking plan to show an additional disabled parking space in accordance with the city standards.
8. Provide stamped and signed copies of all plans from appropriate design professionals for review and approval.
9. Meet all requirements of the Murray Power Department.
10. After the requirements have been completed for the development permit, the applicant shall submit to the Planning Commission for final approval.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Mr. Harland
A Ms. Daniels
A Mr. Taylor
A Ms. Van Bibber
A Mr. Black

Motion passed, 5-0.

DISCOVERY CHRISTIAN COMMUNITY CHURCH - 5929 South 900 East

Steve Meltzer was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a monument sign at the property at address 5929 South 900 East. The property is located in an R-1-8 zone. Signs are allowed subject to planning commission approval. The site plan was reviewed, and the sign is to be located 44 feet from the driveway access to the north and two feet from the front property line at 900 East. The sign is 6 x 8, or 48 square feet, which meets Code. Staff has reviewed the sign and the proposed location, and are recommending approval subject to conditions.

Steve Meltzer, 7570 Sandy Woods Lane, Midvale, is the applicant. He is the pastor of Discovery Christian Community Church. He stated that the presentation was well done and he has nothing additional to add.

There were no public comments on this issue.

Ray Black made a motion to approve a Conditional Use Permit for a monument sign for the Discovery Christian Community Church located at 5929 South 900 East, subject to the following conditions:

1. The sign will need to meet the sign code requirements and the permit requirements of the Murray Building Official.
2. The City Engineer will require the sign to be redesigned if the sign affects the retention pond.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Mr. Black
A Ms. Van Bibber
A Mr. Harland
A Mr. Taylor
A Ms. Daniels

Motion passed, 5-0.

SIERRA AUTO SALES - 239 West 4500 South

Yenry Sierra was the applicant present to represent this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for auto sales and an auto body shop at 239 West 4500 South. There was a previous request that had been before the Commission in February of 2008, where approval had been given for auto sales inside the building. Now a request is being made for auto body repair, which is a use that is allowed in this zoning district, and a request to have auto sales on the exterior of the building in the parking lot area. Sierra Auto Sales leases this building which is located on the back of the property with a used tire sales business located at the front of the property. The applicant has a separate driveway to access this business. The motor vehicle sales parking will be located at the south and west side of the office/body shop building. The plan shows a disabled parking stall in front of the office. Parking requirements are 3 stalls for customers and employees. With the proposed use there will be 5 customer/employee stalls and sales stalls. Staff is recommending approval subject to conditions.

Yenry Sierra, 2765 West Lancer Way, West Valley City. Mr. Sierra stated that there were two conditions he was unaware of, namely the paint booth and a drain for oils and chemicals. They actually don't do any mechanical work or paint, it's mostly detailing. The only body work being performed is replacement of parts. He stated that a paint booth and drain wouldn't be used. He was willing to work with the City on parking. He stated that the parking lot has not been striped because it had to be cleaned, and now he is applying for the new proposal. He expressed concern with conditions 1 and 6.

Tim Tingey clarified that building code standards have to be met and that the applicant will need to work with the building department. A paint booth and grease receptor may not be applicable

in this case, although they are normally required in auto body repair. If parking stalls are eliminated and there is still an adequate amount of parking, landscaping will not be required because it won't be adjacent to parking areas. If they don't eliminate the parking spaces as mentioned then landscaping will be required. After this explanation, Mr. Sierra agreed that he would meet the conditions.

There were no public comments on this issue.

Ray Black made a motion to approve a Conditional Use Permit for auto sales and an auto body shop for Sierra Auto Sales, located at 239 West 4500 South (Frontage Road), subject to the following conditions:

1. The office/auto body repair structure will need to meet the building code requirements of the Murray Building Official. Auto body repairs may require a grease interceptor, and needs spray booth approval. An architect will need to complete a change of use form provided by the Murray Building Department.
2. Meet the requirements of the Murray City Engineer with new paving and the drainage plans will need to be revised.
3. Meet all Murray Fire Department requirements including to meet current building and fire codes. Maintain a 20 ft. access road for fire access and the applicant will need an approved spray booth for painting.
4. Meet all Murray City Power Department requirements.
5. Meet all Murray Water and Sewer Department requirements. More details are required to evaluate if special conditions will be required.
6. All of the parking stalls are paved and striped to meet zoning and one disabled stall to meet ADA regulations. The parking plan will need to be revised to eliminate or relocate two customer parking stalls to the south and west side of the building or install 5 feet depth of landscaping to meet landscaping regulations.

Mr. Harland seconded the motion.

Call vote recorded by Tim Tingey.

A__ Mr. Black
A__ Mr. Harland
A__ Ms. Van Bibber
A__ Mr. Taylor
A__ Ms. Daniels

Motion passed, 5-0.

ASPEN CONSTRUCTION & DEVELOPMENT - 1224 South 6600 South

Nathan Chappell was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for Conditional Use Permit approval for a four unit, multi-family development. The property is located at 1224 East 6600 South. The property is zoned R-M-25, which requires Planning Commission approval of a Conditional Use Permit. The property to the east is general office zoning, and R-1-8 zoning directly to the north. A dilapidated house is currently on the property with associated outbuildings. The applicant has worked with Community Development staff on their site plan to meet code requirements related to parking and the proposal now meets those requirements. There will be two parking spaces for each unit underneath the unit, along with two guest spaces on the outside of the building. The elevations meet the height requirement and setback requirements for the zone. Staff is recommending approval of the application based on conditions:

Nathan Chappell, 1387 North Grand Avenue, Provo. Nathan Chapel stated he is aware of the conditions and is confident they could be met. He had nothing to add regarding the application.

Mr. Montoya, 1250 East 6600 South, expressed concern that the property lines are off, because in 1955 a monument was moved on 1300 East and the property lines were shifted to the west. He sold the piece of property that now contains an office building and there were some problems because not all of the property belonged to him. He had to have the property surveyed again based off of the monument placement. It shifted all of the property lines 9 feet 6 inches to the east. Mr. Montoya stated that there isn't room to build this structure due to the property line problems. Additionally, the sewer drains to the east are four feet in depth so they can't tie into that and there will have to be a drain to the new trunkline to the west. He recommended that the builder meet with the people owning the property to the west of him.

Mr. Chappell stated that Western Land Survey took surveys from both 1300 East and 900 East and verified that property lines were where they were supposed to be. He didn't have the report available because he was unaware of this issue.

Chad Wilkinson stated that property lines are civil matters between the adjacent property owners. Plans are approved based on surveys and any other information a property owner may have and it is up to the property owner to show correct property lines and accurately show setbacks and show where buildings are in relation to the property lines. This issue should be addressed by the property owners and doesn't change the conditions or approval from the City since it is not within their jurisdiction.

Sheri Van Bibber made a motion to approve a Conditional Use Permit for the Aspen Construction & Development at 1224 East 6600 South, based on the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. At the time of building permit application, a formal landscaping plan meeting the requirements of Chapter 17.78 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and installed as approved prior to occupancy.
4. Submit a soils report prepared by a geotechnical engineer at the time of building permit.

5. Revise the plan to show a minimum driveway width of 20 feet on 6600 South.
6. Revise the garage opening to a minimum of 20 feet.
7. Building plans shall include architectural, electrical, mechanical and plumbing plans prepared by appropriate design professionals.
8. The project shall meet all Murray City Water and Sewer Department regulations.
9. Prior to occupancy, repair any damaged curb, gutter and sidewalk to satisfaction of the Murray City Engineer.
10. The two spaces in front of the building shall be clearly marked as visitor parking.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A Ms. Van Bibber
A Ms. Daniels
A Mr. Taylor
A Mr. Harland
A Mr. Black

Motion passed, 5-0.

VAN WINKLE SUBDIVISION - 5502 South Van Winkle Expressway

Bryan Smith was the applicant present to represent this request. Tim Tingey reviewed the location and request for final subdivision approval. Preliminary plat was approved in August of 2008. The property is located within the C-D-C (commercial) zone, and the proposal is to subdivide the property into four different lots. He mentioned that it is outlined in State Code that it is required to conduct a public hearing on this and review all subdivisions of property within the City. The role of the Commission is to ensure that the division is consistent with the ordinances and policies and planning practices of the City. The Planning Commission acts as an advisory body to the Mayor, who ultimately approves the proposal. Staff's findings were outlined in the staff report. This current subdivision plat review is an amendment to an existing subdivision. The plat must meet the requirements and provisions of subdivision regulations, and various City departments recommended approval based on meeting Murray City requirements. Staff recommends approval with conditions.

Bryan Smith, with Bush and Gudgeon Engineering, 525 South 300 East, Salt Lake City. He confirmed that the conditions have been reviewed. He was asked why the property is being subdivided and stated that he understands the owner would like to sell off the property in the future and it makes the property more desirable to sell in smaller parcels.

There were no public comments on this item.

Karen Daniels made a motion to send a positive recommendation to the Murray City Mayor for final subdivision approval for the Van Winkle Subdivision, located at 5502 South Van Winkle Expressway, subject to the following conditions:

1. Meet the subdivision regulations and requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Records Office.
2. Show utility easements on all of the lots to meet the subdivision ordinance regulations with the final plat for recording.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Ms. Daniels
A Ms. Van Bibber
A Mr. Taylor
A Mr. Harland
A Mr. Black

Motion passed, 5-0.

OTHER BUSINESS

Tim Tingey updated the Commission regarding mixed use zone changes. A number of areas have been identified as requiring legal descriptions so that they can come forward for rezone requests. Chad Wilkinson and Ray Christensen have been looking at a number of different areas to ensure that the mixed use zoning ordinance within the City will fit appropriately, and hopefully make the ordinance accommodate successful businesses and developments. The possible changes being considered will be presented to the Committee of the Whole and then will be discussed again with the Commission. Staff is also looking at developing a master plan for the downtown area to facilitate future redevelopment and compliment the mixed use zoning area. The Community Development Department is working with the Downtown Historical Overlay District in a variety of ways and Chad Wilkinson works directly with the Design Review Committee. Staff is currently evaluating if the ordinance will have to be modified or not in order to ensure that all development will be successful.

Jim Harland voiced appreciation for the professional presentations from the planning staff. The information was very helpful to the Commission in fulfilling their role.

Meeting adjourned.

Chad Wilkinson, AICP
Planner